


2006) (upholding dismissal of claims against the Harris County Sheriff's Office on the grounds that, as a *non sui juris* division of Harris County, it lacked the capacity to be sued). Therefore, plaintiff may not pursue his claims against the Harris County Jail or the Harris County Sheriff's Office because these entities lack the requisite legal capacity, and his claims against the Harris County Jail are **DISMISSED WITHOUT PREJUDICE**. Even assuming the Harris County Jail were a proper defendant, plaintiff pleads no factual allegations raising a viable claim for relief against it.

For these reasons, this lawsuit is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1915A(b)(1) for failure to raise a viable claim for relief under section 1983. Any and all pending motions are **DISMISSED AS MOOT**. This dismissal constitutes a "strike" for purposes of 28 U.S.C. § 1915(g), and stands as plaintiff's second strike. *See Williams v. State of Texas*, C.A. No. 23-cv-1776 (S.D. Tex. Sept. 30, 2023) (dismissing plaintiff's complaint for failure to state a viable claim for relief under section 1983.)

Signed at Houston, Texas, on this the 9th day of April, 2024.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE